

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**NANCY SLEGER**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.** 1:21-cv-173-LG-RPM

**AMERICAN FACTORY DIRECT, LLC**

**DEFENDANT**

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**NOTICE OF REMOVAL**

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Reserving all Rule 12 and other affirmative defenses, **Defendant, American Factory Direct, LLC**, by and through undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes this cause from the Circuit Court of Harrison County, Mississippi, First Judicial District, to the United States District Court for the Southern District of Mississippi, Southern Division, and would show as follows:

1.     **Removal.** Defendant removes this cause to this Court on the basis of diversity jurisdiction. *See* 28 U.S.C. §§ 1332, 1441 and 1446.

2.     **The State Court Action.** The state court action which is removed to this Court is styled: *Nancy Sleger vs. American Factory Direct, LLC*, Cause No. A2401-2021-002, in the Circuit Court of Harrison County, Mississippi, First Judicial District. A copy of the State Court file is attached hereto as Exhibit “A”. This matter arises out of an alleged trip and fall which Plaintiff claims occurred on Defendant’s property on January 6, 2018.

3.     **Propriety of Removal – Diversity Jurisdiction.** This removal is proper under 28 U.S.C. §§ 1332 and 1441(a)-(b). Complete diversity of citizenship exists, and the amount in controversy is in excess of \$75,000.00. This action is properly removed under 28 U.S.C. § 1441 to the Southern District of Mississippi, Southern Division, as the district and division embracing

the Circuit Court of Harrison County, Mississippi, First Judicial District, in which the state court action was pending.

4. **Diversity of Citizenship.** Complete diversity of citizenship exists. As alleged in the Complaint, Plaintiff, Nancy Sleger, is an adult, resident citizen of Mississippi. Defendant, American Factory Direct, LLC, is a limited liability company and citizen of Louisiana by virtue of the fact that its members, Robert Comeaux, Billie Comeaux, David Comeaux, and Grace Comeaux-Piro, are all adult, resident citizens of Louisiana.

5. **Amount in Controversy.** The state court Complaint asserts that as a result of Defendant's alleged negligence, Plaintiff suffered past, present, and future mental and physical pain and suffering, medical bills, loss of enjoyment of life, disability, lost wages, and loss of wage earning capacity. More specifically, Plaintiff claims she has incurred more than one million dollars (\$1,000,000) in medical expenses as the result of being hospitalized "for more than three (3) months" as a result of this alleged trip and fall. For these reasons, the alleged amount in controversy is satisfied.

6. **Timeliness.** This notice of removal has been filed within thirty days after receipt of a copy of a paper from which it could be ascertained that this cause of action is removable, as required by 28 U.S.C. § 1446. The executed summons return filed by Plaintiff in the state court case indicates Defendant was served with process on April 21, 2021.

7. **Notice to Others.** In accordance with 28 U.S.C. § 1446(d), Defendant will promptly file a copy of this Notice of Removal with the Clerk of the state court.

Accordingly, Defendant, American Factory Direct, LLC, removes this action to the United States District Court for the Southern District of Mississippi, Southern Division.

THIS the 21<sup>st</sup> day of May, 2021.

AMERICAN FACTORY DIRECT, LLC

PHELPS DUNBAR LLP

BY: s/ Scott Ellzey

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have this date emailed and/or mailed through the United States Postal Service, postage prepaid, a true and correct copy of the above and foregoing to the following:

Reed S. Bennett  
Law Offices of Reed S. Bennett, PLLC  
2501 14<sup>th</sup> Street, Suite 211  
Gulfport, MS 39501

This, the 21<sup>st</sup> day of May, 2021.

/s Scott Ellzey

SCOTT ELLZEY